IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 63 OF 2005

IN

SUMMARY SUIT NO. 2326 OF 2004

Harsha Vikram Sahjwani .....Plffs.
vs.
C.D. Investments and anr. .....Defnds.

Kavita Lalwani for the plaintiffs.

G.C. Mohanty for the defendants.

CORAM: S.U. KAMDAR, J.

DATE : 18th October, 2005.

P.C. :.

1. Learned counsel for the defendants has drawn my attention to an order dated 1.2.2005 passed in Insolvency Petition no. 137 of 2004 declared Mr. C.D. Shah Proprietor of the defendant no.1 insolvent. Inview thereof the present Summons for

Judgment cannot proceed against the first defendant. In so far as the 2nd defendant is concerned it is not a legal entity but merely a association of persons. In view thereof Summons for Judgment is not maintainable as against the 2nd defendant. Summons for judgment dismissed.

2. Unconditional leave to defend is granted. suit is transferred to the list of Commercial Causes. Written statement or points of defence to be filed four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.

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